**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Duquesne Light Company : P-2015-2497267

for Approval to Modify its Smart :

Meter Procurement and Installation Plan :

**THIRD POST-HEARING ORDER**

Order to Establish Briefing Schedule

On June 24, 2009, the Pennsylvania Public Utility Commission (Commission) entered its Implementation Order, at Docket No. M-2009-2092655, to assist Duquesne Light Company (Duquesne Light or the Company) and the other Electric Distribution Companies (EDCs) in complying with the requirements of Act 129 of 2008, 66 Pa.C.S.A. § 2807(f), *et seq*., which, among other matters, required EDCs to file with the Commission their respective smart meter procurement and installation plans.

Duquesne Light filed a Petition on August 4, 2015 seeking approval to modify its Smart Meter Procurement and Installation Plan. This Petition seeks to implement changes to the approved smart meter plan for the purpose of enhancing outage communication and voltage monitoring capabilities, and to recover the costs associated with those changes through the Smart Meter Charge.

On February 29, 2016, the presiding officer received the transcript of the initial hearing. Main briefs were filed by Duquesne Light, OCA and Citizen Power on or before March 17, 2016. Reply briefs were filed by Duquesne Light, OCA and Citizen Power on or before April 7, 2016. The hearing record closed on April 11, 2016, upon the issuance of the Interim Order Closing the Record.

On May 4, 2016, the presiding officer issued a Post-Hearing Order to reopen the hearing record and schedule a post-hearing telephonic conference for today. By the same order, I advised the parties that more cost information was needed in order to evaluate Duquesne Light’s proposed amendments to its Smart Meter Plan. The parties were advised Duquesne Light would be required to flesh out and separate smart meter costs from operational business enhancement costs. The presiding officer specified Duquesne Light would be required to answer four sets of questions, or point to the locations in the hearing record where the answers to these questions can be found.

On May 13, 2016, the Office of Administrative Law Judge scheduled a call-in telephonic post-hearing conference for Tuesday, May 24, 2016 in order to provide the parties with an opportunity to indicate if there was an agreement or objection to scheduling a further evidentiary hearing in order to submit additional information meant to answer the inquiries noted above. On May 23, 2016, the parties suggested litigation dates for the submittal of additional information.

On May 19, 2016, the presiding officer was advised that a separate docketed proceeding was filed by Duquesne Light on January 25, 2016 at a separate P-docket but under the same M-docket involved in this proceeding. The separate filing was entitled a Petition for Waiver and Suspension of Meter Testing Requirements under 52 Pa.Code § 57.20(e) and § 57.21(f) for Deployed Legacy Meters (referred to herein as the Legacy Meter Waiver), and was docketed at M-2009-2123948 and P-2016-2525790, respectively.

The Commission issued an Order in the Legacy Meter Waiver proceeding on May 19, 2016 that, *inter alia*, required a copy of the Order to be served on the parties to this proceeding. In addition, the Commission ordered the Legacy Meter Waiver should be correlated with the Smart Meter Plan. The same Order made statements concerning the treatment of legacy meters including how issues in the Legacy Meter Waiver proceeding impact the Smart Meter Charge, which is at issue in this proceeding. The Commission specifically required Duquesne Light to keep the presiding officer and parties in the “in the 2015 SMP proceeding, informed of its AMI deployment decisions regarding legacy meter testing.”

On May 24, 2016, the Administrative Law Judge conducted a post-hearing conference with the following parties represented: Duquesne Light Company; Citizen Power, Inc.; Office of Consumer Advocate; and Office of Small Business Advocate. At the post-hearing conference, the parties considered issues raised by the May 4, 2016 Order, agreed to suspend the litigation schedule and established a further litigation schedule. Lastly, the parties discussed whether information in previously-admitted written statements was properly characterized as “Confidential”.

Subsequently, on May 25, 2016, the presiding officer issued the Second Post-Hearing Order which suspended the litigation schedule, directed Duquesne Light to respond to four enumerated inquiries, provided all parties with an opportunity to serve supplemental direct and/or supplemental rebuttal written testimony, and directed the parties to appear at an evidentiary hearing on June 30, 2016.

On June 6, 2016, the OALJ issued a Hearing Notice which scheduled a Further Hearing for June 30, 2016 at 1:00 p.m. in the Commission’s hearing room in Pittsburgh, Pennsylvania.

On June 6, 2016, Duquesne Light served the Supplemental Post Hearing Direct Testimony of James T. Karcher, with one confidential exhibit, and on June 24, 2016, OCA served the Supplemental Post Hearing Rebuttal Testimony of Stacy L. Sherwood.

On June 30, 2016, the presiding officer conducted the Further Hearing at which all parties were present. Duquesne Light presented the testimonies of James T. Karcher (Mr. Karcher) and William Pfrommer, and moved for the admission of Duquesne Light Statement No. 2C and Duquesne Light Confidential JTK Exhibit 1PH. OCA presented the testimony of Stacy L. Sherwood, and moved for the admission of OCA Statement No. 1-R (Supplemental). The presiding officer moved the three documents into the hearing record.

On June 30, 2016, Duquesne Light requested the opportunity to submit a brief and, possibly, a reply brief. The other parties were in agreement and a briefing schedule was agreed to by the parties.

THEREFORE,

IT IS ORDERED:

1. That the parties are granted leave to file a brief provided that party’s brief is filed and served on or before the close of business on **Wednesday, July 20, 2016**.

2. That the parties are granted leave to file a reply brief provided that party’s brief is filed and served on or before the close of business on **Wednesday, July 27, 2016**.

3. That each party filing a Main Brief and/or Reply will be presumed to have rescinded any previously filed brief in this proceeding.

4. That each party filing a brief must refer to the document as either “Main Brief” and “Reply Brief,” and must clearly identify the party filing the document and the date filed. At a minimum, the Main Brief must meet the requirements of 52 Pa.Code § 5.501 and § 5.502 and, in addition to the mandatory contents set forth in 52 Pa.Code § 5.501(a), contain:

* 1. A concise statement or counter-statement of the case;
  2. Proposed Findings of Fact, with reference to the pages of the record or exhibits where the evidence relied upon by the filing party appears;
  3. An argument preceded by a summary. The party with the burden of proof shall, in its main or initial brief, completely address, to the extent possible, every issue raised by the relief sought and the evidence adduced at hearing;
  4. Proposed ordering paragraphs specifically identifying the relief sought; and
  5. A conclusion with requested relief.

5. That after July 27, 2016, the hearing record will close, and the presiding officer will issue an Initial Decision within 90 days from the date the hearing record closes.

Date: July 1, 2016

Katrina L. Dunderdale

Administrative Law Judge

**P-2015-2497267 - PETITION OF DUQUESNE LIGHT COMPANY FOR APPROVAL TO MODIFY ITS SMART METER PROCUREMENT AND INSTALLATION PLAN**

***(Revised 5/25/16)***

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